



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 8, 1996

Mr. Allan G. Little  
Director, Business Enterprises Program  
Texas Commission for the Blind  
P.O. Box 12866  
Austin, Texas 78711

OR96-0483

Dear Mr. Little:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 34703.

The Texas Commission for the Blind (the "commission") received a request for:

Any proposal, in its entirety, including but not limited to exhibits, supporting documentation, government standard forms, representations, certifications, technical volumes, cost volumes, business management volumes, calculations, graphs, transmittal or cover letters which was submitted by the Texas Commission for the Blind to the U.S. Department of the Air Force in response to Request for Proposal No. F41636-95-R-0075 in connection with providing full food management services to Lackland Air Force Base, Texas.

You claim that the requested information is excepted from disclosure under federal law and sections 552.103(a), 552.104, and 552.110 of the Government Code.

Section 3.104-5 of the Federal Acquisition Regulations provides, in part:

(a) Except as specifically provided for in this subsection, no person or other entity may disclose proprietary or source selection information to any person other than a person authorized by the Head of the Agency to receive such information.

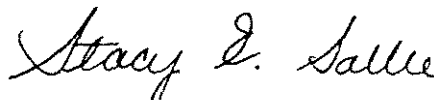
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(b)(2) Information contained in a bid or proposal that bears the legend required by 3.104-4(j)(2) shall be considered to be proprietary information for purposes of the Act.

FAR 3.104-5(a), (b)(2). You have provided us with a copy of the legend that accompanies the commission's bid and it appears to comply with section 3.104-4(j)(2). Additionally, a competing contractor is prohibited from soliciting or obtaining, directly or indirectly, from the federal agency any proprietary or source information regarding a procurement. FAR 3.104-3(a)(3). Federal agency officials are similarly prohibited from disclosing this proprietary or source information during the procurement process. FAR 3.104-3(b)(3). Therefore, we conclude that the requested information is confidential under federal law as applied through section 552.101 of the Government Code and must be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 34703

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